

**DEC 4 - 2007**

Attorney's Docket No.: 10559-164002

Client's Ref. No.: P8248C

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Applicant: Kalpesh Mehta et al.

Serial No.: 10/759,504

Filed: January 16, 2004

Art Unit: 2628

Examiner: Joni Hsu

Assignee: Intel Corporation

Title: CALCULATING DISPLAY MODE VALUES

Commissioner for Patents

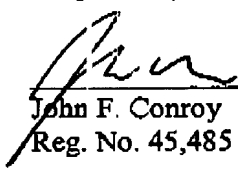
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A Reply Brief dated December 4, 2007 is attached.

Respectfully submitted,

Date: December 4, 2007

  
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Attorney's Docket No.: 10559-164002/P8248C  
Intel Corporation

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kalpesh Mehta et al. Art Unit: 2628  
Serial No.: 10/759,504 Examiner: Joni Hsu  
Filed: January 16, 2004 Assignee: Intel Corporation  
Title: CALCULATING DISPLAY MODE VALUES

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicants file this Reply Brief in response to many of the new points of argument in the Examiner's Answer mailed September 18, 2007.

At page 12-13, paras. 3 and 4, in arguing that the rejection of claims 29-42 under 35 U.S.C. § 101 should be maintained, the Examiner's Answer contends that

"this claim is directed to a computer-related invention, and could be interpreted in such a way that it is directed to an entity that is completely separate from a computer, it therefor is not structurally and functionally interrelated to the computer, and therefore is non-statutory."

In support of this contention, the rejection cites to M.P.E.P. § 2106.01.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

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Applicant respectfully disagrees. Nothing in M.P.E.P. § 2106.01 excludes computer-executable instructions that are "separate from a computer" from being considered statutory subject matter. In fact, M.P.E.P. § 2106.01 states the exact opposite. In particular,

"a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See M.P.E.P. § 2106.01 (I).

Thus, M.P.E.P. § 2106.01 states a computer-readable medium is statutory when it is encoded with a computer program, regardless of whether or not the computer-readable medium is separate from a computer.

At page 13, para. 4, in arguing that the rejection of claims 29-42 under 35 U.S.C. § 101 should be maintained, the Examiner's Answer contends that

"[t]he way it is written, Claim 29 appears to be claiming the 'article' itself, not the storage medium which stores computer executable instructions."

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Applicant respectfully disagrees. Claim 29 relates to an article that comprises a storage medium which stores computer-executable instructions. The article thus necessarily includes the recited storage medium, and Applicant is claiming the storage medium.

At page 13-14, para. 5, the Examiner's Answer contends that

"Even though [Frank's] issue delay data 24 represents an artificial delay imposed before the issuance of the read command, this delay in the issuance of the read command also controls the delay of the data between the issuance of the read command (display data request) and the return of data from the frame buffer 22..."

Applicant respectfully disagrees. The delay before Frank's issuance of a read command does not "control" the delay between issuance of such a command and a return of data.

Frank himself says as much. In particular, "[t]he issue delay data 24 represents an additional time delay before starting a memory cycle, this results in a delay of the returned data by the same amount of time." See U.S. Patent No. 6,499,072 to Frank et al., col. 4, line 31-35 (emphasis added). Thus, if the issuance of a read command is delayed by one nanosecond, the return of the responsive data is delayed by the same nanosecond. If the issuance of a read command is delayed by 10 nanoseconds, the return of the responsive data is delayed by the same 10

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nanoseconds. Taking this to the extreme, if the issuance of a read command is delayed by a week, the return of the responsive data is delayed by that same week.

Such a uniform delay in the issuance of a read command and the return of responsive data requires that the delay between the issuance of the read command and the return of responsive data be independent of the delay in the issuance. In particular, the time between request and return is understood to be identical regardless of the delay before issuance.

This can be illustrated by considering an example task such as washing a load of dishes in a dishwasher. If the wash is started immediately, the wash is completed some time later. If one delays the start of the wash by one hour, the completion of the wash is delayed by the same amount of time, i.e., one hour. If one delays the start of the wash by ten hours, the completion of the wash is delayed by the same amount of time, i.e., ten hours. The time between the start of the wash and the completion of the wash is independent of the delay in starting the wash.

Likewise, Frank describes that the additional time delay before the start a memory cycle results in a delay in the return of responsive data by the same amount of time. Frank's delay between the issuance of a read command and the return of responsive data is thus independent of the delay in issuance of

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the read command. Such independence means that the delay before Frank's issuance of a read command does not "control" the delay between issuance of a read command and a return of responsive data. Moreover, Frank's determination of a delay before issuance of a read command does not describe or suggest that the delay between issuance of such a command and a return of responsive data is determined, as contended elsewhere in para. 5 of the Examiner's Answer.

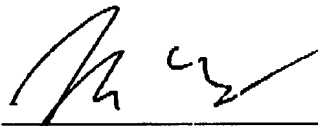
Accordingly, even if Frank and Wang were combined, the recited subject matter would not have been obvious to those of ordinary skill.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 4, 2007

  
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